

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KEITH ORI,

Plaintiff,

v.

Case No. 08C0432

**FIFTH THIRD BANK
and FISERV, INC**

Defendants.

ORDER

Plaintiff, Keith Ori, moves to consolidate this action with another case pending before me, Baird v. Fifth Third Bank and Fiserv, Inc., Case No. 10C0929. Under Fed. R. Civ. P. 42(a) a district court may consolidate actions before the court if they involve a common question of law or fact. Habitat Educ. Ctr., Inc. v. Kimbell, 250 F.R.D. 390, 393 (E.D. Wis. 2008). A common question is one which must be answered identically in each case in which it is presented. Id. If common questions of law or fact are present, the cases should be consolidated if it would streamline the litigation without causing undue prejudice. Id.

I will grant plaintiff's motion. The plaintiffs in both Ori and Baird make similar claims. They allege that defendants Fifth Third Bank and Fiserv, Inc. violated the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq. and common law during the acquisition of R-G Crown Bank. Both plaintiffs allege that during the process of converting loan accounts from RG Crown Bank to Fifth Third Bank, a Fiserv computer software glitch caused loans to be falsely reported to credit reporting agencies and both plaintiffs seek class

certification. It appears that the facts of both cases are similar and that the cases present common questions of law. It also appears that consolidating the cases would streamline the litigation and be generally beneficial. Defendants do not identify any specific way in which consolidation would be prejudicial.

Therefore,

IT IS ORDERED that plaintiff's motion to consolidate is **GRANTED**. Case No. 08C0432 and Case No. 10C0929 are consolidated.

Dated at Milwaukee, Wisconsin this 1st day of March 2011.

/s _____
LYNN ADELMAN
District Judge